

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1528) TO AMEND THE
NATIONAL TRAILS SYSTEM ACT TO DESIGNATE THE NEW ENGLAND NA-
TIONAL SCENIC TRAIL, AND FOR OTHER PURPOSES

JANUARY 28, 2008.—Referred to the House Calendar and ordered to be printed

Mr. CARDOZA, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 940]

The Committee on Rules, having had under consideration House Resolution 940, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1528, the New England National Scenic Trail Designation Act, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).

The rule makes in order only those amendments printed in this report. The amendments made in order may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwith-

standing the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill (except for clauses 9 and 10 of rule XXI) includes a waiver of rule XIII, clause 3(c)(4), requiring the inclusion in the report of certain performance goal information. Although the rule waives all points of order against the amendment in the nature of a substitute (except clause 10 of rule XXI), the Committee is not aware of any points of order. The waiver of all points of order is prophylactic.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 421

Date: January 28, 2008.

Measure: H.R. 1528.

Motion by: Mr. Dreier.

Summary of motion: To make in order and provide appropriate waivers for a substitute amendment by Rep. Bishop, Rob (UT), #6, which encourages the Secretary of the Interior to work with the affected states, local governments and private organizations to include certain specified lands as part of the National Trails System. The amendment also affords the States of Massachusetts and Connecticut the same procedural protections granted to the State of New Hampshire under section 5 of the introduced bill before any trail may be established.

Results: Defeated 3–5.

Vote by Members: Cardoza—Nay; Welch—Nay; Castor—Nay; Sutton—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 422

Date: January 28, 2008.

Measure: H.R. 1528.

Motion by: Mr. Hastings (WA).

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Bishop, Rob (UT), #5, which prohibits the use of eminent domain to add lands to the New England National Scenic Trail.

Results: Defeated 3–6.

Vote by Members: McGovern—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Sutton—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 423

Date: January 28, 2008.

Measure: H.R. 1528.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Flake (AZ), #1, which elimi-

nates funding under cooperative agreements for the Appalachian Mountain Club and the Connecticut Forest and Park Association.

Results: Defeated 3–6.

Vote by Members: McGovern—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Sutton—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

Rules Committee record vote No. 424

Date: January 28, 2008.

Measure: H.R. 1528.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers en bloc for an amendment by Rep. Bishop, Rob (UT), #2, which requires the Secretary of the Interior to give notice to property owners within the trail and allows them to decline to be part of the trail; and an amendment by Rep. Bishop, Rob (UT), #3, which grants the States of Massachusetts and Connecticut the same procedural protections granted to the State of New Hampshire under section 5 of the bill before any lands may be added to the trail. The amendment also requires written permission from landowners before any of the landowner's land may be included in the trail.

Results: Defeated 3–6.

Vote by Members:

McGovern—Nay; Cardoza—Nay; Welch—Nay; Castor—Nay; Sutton—Nay; Dreier—Yea; Hastings (WA)—Yea; Sessions—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Bishop, Rob (UT): The amendment delays designation of the trail until all environmental analyses and the review required by Public Law 107–338 have been completed by the Secretary of the Interior. (10 minutes)

2. Bishop, Rob (UT): The amendment states that state and local laws regarding hunting, fishing, trapping and netting shall be the exclusive laws regarding these activities on the trail. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 6. EFFECTIVE DATE.

This Act shall be effective on the date that the Secretary issues a final National Scenic Trail Feasibility Study and Environmental Assessment for the New England National Scenic Trail.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF UTAH, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 6, insert “(a) IN GENERAL.—” before “The Secretary”.
Page 3, after line 17, insert the following:

(b) APPLICATION OF CERTAIN STATE AND LOCAL LAWS.—Notwithstanding subsection (a), all designated and future designated lands within the New England National Scenic Trail, including all Federal lands, shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon (including concealed weapons), trap, or net.

